

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JEFF FOSTER,)
Plaintiff,)
v.)
PNC BANK NA d/b/a PNC MORTGAGE,)
Defendant.) No. 12 C 3130

MOTION TO WITHDRAW AS COUNSEL FOR PLAINTIFF

NOW COMES Wayne B. Giampietro, and moves the Court for leave to withdraw as counsel for Plaintiff, Jeff Foster, and to extend the time within which to Amend the Complaint herein, and in support thereof represents unto the Court as follows:

1. Wayne B. Giampietro drafted the Complaint on behalf of Plaintiff herein, and wrote the Memoranda opposing Defendant's Motion to Dismiss, upon which the Court recently issued a Memorandum Opinion and order.
2. In that Opinion, the Court gave Plaintiff to and including February 22, 2013 within which to re-plead the allegations in Count III of the complaint.
3. Differences have arisen between counsel and Plaintiff which make it impossible for Wayne B. Giampietro to continue to represent Plaintiff in this matter,
4. Mr. Foster has not had a sufficient time within which to obtain substitute counsel for his present counsel, or to consider whether to amend Count III of the Complaint, or to prepare such an amendment should he wish to do so.
5. Plaintiff, Jeff Foster has been given notice of this motion.
6. Defendant PNC Bank has recently been given leave to substitute counsel, and the time within which it is to Answer the Complaint has been extended.
7. Extending the time within which Plaintiff is to amend Count III of the Complaint will cause no prejudice to Defendant.

8. Mr. Foster may be contacted at:

6201 N. Kilpatrick, Chicago, IL 60646; telephone: (773) 404-3595

WHEREFORE Wayne B. Giampietro prays that he be given leave to withdraw as counsel for Plaintiff herein, and that the time within which Plaintiff is to file an Amendment to Count III of the Complaint be extended for at least 30 days.

S/Wayne B. Giampietro
Wayne B. Giampietro
Attorney for Plaintiff

Of Counsel:

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